

has asked us forever to do something about that problem. We tried to do it in the context of health care reform and use it for part of the way to pay for the health care costs.

We are going to come back and fix that issue—particularly the concerns raised by smaller businesses that this is an administrative burden—to see if there is a way to make it a lot less burdensome but at the same time to see if there is a way to close the tax gap.

The idea that those of us paying our fair share of taxes know a number of folks and businesses are not is enough to make our blood boil. We have to fix that and at the same time not create an unneeded burden for businesses in complying.

We just had a hearing in the Finance Committee this morning. The hearing was one sought by Republicans but also looked forward to by Democrats. Our speaker was Dr. Donald Berwick, whom you may know is the new administrator appointed by the President—a recess appointment because he expected that we would have a very difficult time getting him confirmed. We still have holes in the current administration where we cannot get people confirmed on the floor, whether it is for Assistant Secretary or Under Secretary—all kinds of provisions. I call it administration Swiss Cheese, and it is hard to try to govern. The administration realized that early on in a place like CMS, which stands for Centers for Medicare and Medicaid Services.

In that position, we needed someone—we needed someone like yesterday—and it looked as if we would have a tough and probably a long confirmation fight with Dr. Berwick. We just went ahead and made the recess appointment when we were in recess. So he is on the job now.

I did not know what to expect in the hearing. Would it be vitriolic? Dr. Berwick did not ask to be a recess appointee. He said the President asked him to serve and he said he would serve. I think he hit the deck running and is doing a very nice job. I think the hearing today was more positive, more focused on issues and results than I had expected it would be.

When we passed health care reform earlier this year, for me, having worked on it with my colleagues on the Finance Committee for about, gosh, over a year, my focus at the time was, How do we get better results for less money? And we have a lot of people, as we know, who do not have health care coverage at all. We need to extend coverage to them or as many of them as we can. But unless we also figure out how to get better health care outcomes for less money, we are not going to be able to sustain extending coverage to people who do not have it. So we have to do both. And a good deal of what Dr. Berwick testified to today was, How do we provide better results for less money?

One of the aspects of the legislation he spoke to which is about to be imple-

mented in less than 2 months focuses on Medicare and it focuses on our senior citizens.

As many of us know, since 2006 there has been a Medicare prescription drug program. We call it Part D. Medicare has Parts A and B, which is doctor care and hospital care, it has Part C, which is Medicare Advantage, and it has Part D, which is the prescription drug program. In Part D, when we actually adopted it, we said that the first roughly \$3,000 of name-brand drugs Medicare recipients take in a year—Medicare pays roughly 75 percent of the first \$3,000. The individual pays the rest. Everything over \$6,000 in name-brand drugs that a person takes in a year in this program—Medicare covers about 95 percent of everything over \$6,000. For most people, everything between \$3,000 and \$6,000 in a year, Medicare pays zero. That is called the doughnut hole.

Come January 1, the doughnut hole is going to be about half filled, and we will find that instead of Medicare paying zero for name-brand drugs bought by Medicare recipients purchasing between \$3,000 and \$6,000 per year, Medicare will pay 50 percent. Over the next 10 years, Medicare will pay more each year. When we get to 2020, Medicare will be covering 75 percent of the cost of those name-brand drugs. That will accomplish a couple of things. One, you and I know, Mr. President, that there are people in Illinois, Delaware, and other States who stop taking their medicines. They stop taking their medicines in the Medicare prescription drug program because they fall in the doughnut hole and Medicare, for them, is providing zero. That is going to change. And a lot of people who don't take their medicines, unfortunately, get sick, they end up in hospitals, and it becomes very expensive for us to take care of them, instead of taking maybe a relatively inexpensive medicine. We are going to begin to address that in a very substantial way on January 1.

Who pays that 50 percent? The pharmaceutical companies. Not the taxpayers, not the Treasury, the pharmaceutical companies. And as we march from 50 percent up to 75 percent in 2020, the pharmaceutical companies have agreed to meet those costs. We are happy about that, grateful for that. They deserve some credit for that.

Another benefit Dr. Berwick talked about is annual physicals. Right now a person reaches age 65, they are eligible for Medicare, and they get a one-time-only welcome-to-Medicare physical. They can live to be 105 and they will never get another one.

Under the law, beginning in January, 2 months from now, Medicare recipients will be eligible for an annual physical for the rest of their lives. If they live to be 105, if they start at 65, they will get 40 of them. The idea is—and they include cognitive screening as well, the physical by their own doctors and nurses—the idea there is to catch

problems when they are small and can be fixed and cared for rather than when people get really sick and end up in hospitals, which costs, as we know, a boatload of money.

The third thing he mentioned to all of us, in addition to the doughnut hole and the annual physicals, is copays. In Medicare, there is a copay for a lot of preventive screening—colonoscopies, mammographies, those kinds of things—and a lot of the time these Medicare recipients do not have the money. They do not have the money to pay for the copays, so they do not get the colonoscopies or they do not get the mammographies, they do not get the preventive screening, and then they get very sick, and the rest of us pay the tab. That is not smart.

Starting in January, the copays for those preventive screenings go away. We want the people to get the mammographies, we want them to get the colonoscopies when they are due to get them. In doing that, we are going to save money in the long haul.

The last thing I wish to mention is that there is a lot of fraud in Medicare. There is a lot of fraud in Medicaid. There are great provisions in the legislation that will enable us to go after fraud in Medicare, in Parts A and B, which is doctor care and hospital care; Part C, which is Medicare Advantage; and in Part D.

We have been given a little start to this in working on Medicare fraud cost recovery in about five States for the last couple of years. Last year, I think we recovered about \$1 billion in five States. Next year, we are going to start doing Medicare cost recovery in all 50 States. We hire private contractors. Out of every dollar they collect from fraud, 90 cents goes back into the Medicare trust fund and the private company keeps 10 cents. That is how they get paid. We are going to be able to extend the life of Medicare a whole lot because of this.

Not only are we going to be going after waste, fraud, and abuse in a very smart way, recovering money in a very smart way, we are also going to do it in Medicaid. We are also doing the same kind of thing in Medicaid. We have asked senior citizens from across the country to sign up and be part of a posse almost and to go out and help us identify the fraud. As we do that, we will be able to recover more money still.

So that is a little bit of what Dr. Berwick talked about today. I thought it was a very good exchange and a very encouraging exchange as we go forward in health care reform.

Again, I appreciate the opportunity to make these remarks. It is a very special privilege to do it with you sitting in that seat today.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m. today.

Thereupon, the Senate, at 12:37 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

# FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED—Continued

Mr. BOND. Mr. President, I ask unanimous consent to proceed as in morning business for up to 15 minutes, with the time to be charged against the debate postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTELLIGENCE PERSPECTIVES

Mr. BOND. Mr. President, I have had the distinct privilege over the past 8 years of serving on the Senate Select Committee on Intelligence, serving as the committee's vice chairman for the past 4 years. In this role I have been privy to our Nation's deepest secrets, including great successes and some failures. Unfortunately, the failures usually get leaked to the media while most of the successes go unheralded. While I am not at liberty to discuss those successes here, I can witness to the fact that we have an outstanding fleet of intelligence personnel who selflessly sacrifice their time, and sometimes their lives, to protect our great Nation. Those professionals deserve our undying gratitude, and we all can be proud of their service. It has been a distinct privilege to me to oversee their work, and for their dedication to our Nation, I am ever grateful.

As I leave the Senate, having served in this privileged capacity as vice chair of the Intelligence Committee, I leave for my colleagues some thoughts, and recommendations on improvements that can be made on intelligence matters going forward, which I believe will enhance our national security.

First, let me start with the Congress. Members of Congress often like to criticize the executive branch, as is appropriate, but Congress needs to get its own house in order as well. I joined the Select Committee on Intelligence in 2003, and during the past 8 years the committee has had three chairmen: Senators ROBERTS, ROCKEFELLER, and FEINSTEIN; and two vice chairmen: Senator ROCKEFELLER and me. It has been a challenging time, and we have had our highs and our lows. After December 2004, the committee failed to pass an annual authorization bill that could become law for almost 6 years; this was due purely to politics in the Congress.

Although the committee was able to pass unanimously results from an investigation on pre-Iraq war intelligence failures, it was by and large hindered by political infighting for several years. In 2003, a memo was found written by a committee staffer that advocated attacking intelligence issues for political gain to damage the Republican administration and the Republican majorities. That memo was ultimately discredited by my friends on the other side of the aisle, but it

marked a low point in the committee's history, and it should never happen again. Chairman FEINSTEIN and I have worked hard to bring the committee back into bipartisan operation of intelligence oversight. We hope that the Intelligence Authorization Act that the President signed into law recently has helped in getting the committees back on track.

One area where I strongly believe the Congress has yet to heed the warnings of the 9/11 Commission and other study groups is in reforming its approach to appropriations for intelligence. That is why in 2008, the SSCI passed a resolution to establish an appropriations subcommittee on intelligence, something the full Senate had already passed in 2004. Yet the Appropriations Committee has failed to act. I continue to believe this is vital to improving oversight and funding of our Nation's intelligence, and I urge the Senate in the next Congress to make this happen.

The past 8 years have been groundbreaking years in Intelligence, particularly as the war on terrorism has played out in Afghanistan and Iraq. As I speak today, U.S. and coalition forces in Afghanistan continue to fight terrorists—al-Qaida, the Taliban, Haqqani, and others who threaten the stability and future of the region. They fight not only to bring stability to the region but to disrupt the sanctuaries and dismantle the organizations that can and do facilitate terrorist attacks against the United States at home, our troops in the field, and our allies abroad.

My profound respect and gratitude goes out to those serving in Iraq, Afghanistan, and across the globe. We have asked so much of them and their families. They have made enormous, in some cases ultimate, sacrifices, and our Nation is forever in their debt.

As we learned in Iraq, fighting the enemy is not enough. A comprehensive counterinsurgency strategy is required. It must combine kinetic power—military attacks against terrorists and insurgents—with “smart power”—the development of host nation capabilities and infrastructure, and a sensible mix of economic, development, educational, and diplomatic strategies. We know that understanding the complexities of the region and the forces at play puts additional burdens on the resources and capabilities of the intelligence community. But we also know that without a viable and appropriately resourced counter-insurgency strategy, we will not see success in Afghanistan, and the future of Pakistan will remain in doubt. Driving terrorist safe havens out of Afghanistan is crucial but insufficient if al-Qaida and Taliban militants continue to find sanctuary in the remote border regions of western Pakistan.

Eliminating the terrorist threat to the United States that emanates from terrorist sanctuaries in the region is our No. 1 goal. A U.S. withdrawal, in whole or in part, from Afghanistan in

the near term would be a tacit, yet unambiguous, approval for the return of Taliban control of Afghanistan. In turn, this would lead to the establishment of more safe havens for many of the world's most violent and feared terrorists.

But what happens when our forces eventually pull back? Replacing those sanctuaries with secure environments and stable governance is the key to ensuring that terrorists do not gain another foothold in the future.

As we have fought this war in Iraq and in Afghanistan, we have learned a lot about al-Qaida, terrorism, and our own intelligence capabilities. On July 9, 2004, the committee unanimously issued its phase I report on the prewar intelligence assessments on Iraq. I view this truly bipartisan effort as one of the committee's most successful oversight accomplishments.

The comprehensive 511-page Iraq WMD report identified numerous analytic and collection failures in the intelligence community's work on Iraq's WMD programs. These underlying failures caused most of the major key judgments in the Iraq WMD National Intelligence Estimate to be either overstated or not supported by the underlying intelligence reporting. In turn, American policymakers relied, in part, on these key judgments in deciding whether to support the war against Iraq.

The committee's Iraq WMD Report served as a valuable “lessons-learned” exercise. It has had a profound impact on the way the intelligence community does business and interacts with Congress and the White House. It also set the standard for future committee reviews. In my opinion, the committee members and staff who completed the project performed a great service to our Nation.

At the end of 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act. The Governmental Affairs Committee had the lead on this bill, and the act implemented a number of recommendations of the 9/11 Commission, including the creation of the Office of the Director of National Intelligence.

After 6 years, the jury is still out on the ODNI. Some have argued the office is an unnecessary bureaucratic layer. Others have said the office is too big and needs to be downsized. Still others are concerned that the DNI's authority is being undermined by decisionmakers in the White House and the Department of Justice—a point with ample evidence over the past several years. While these observations have some merit, I believe the ODNI serves an important leadership function within the intelligence community and should not be abandoned.

There is, however, room for improvement, so I sponsored a number of legislative provisions that should enhance the DNI's authorities with respect to accountability reviews and major system acquisitions. While some of these